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March 18, 2004

VIA OVERNIGHT MAIL

Walter Thomas, Secretary
Alabama Public Service Commission
100 N. Union Street – 8th Floor
RSA Union Building
Montgomery, AL 36104

**Re: In the Matter of Implementation of the FCC's Triennial Review Order
Docket No. 29054**

Dear Mr. Thomas:

Enclosed are the original and ten (10) copies of the Comments of BellSouth Telecommunications, Inc. as requested by the Commission's Notice of Comment Cycle filed March 10, 2004. Please distribute as needed and return a stamped copy to me in the envelope provided.

Thank you for your assistance in this matter.

Sincerely,



Francis B. Semmes

FBS/mhs
Enclosures

cc: Honorable John Garner, ALJ (via overnight mail)
Mr. Darrell A. Baker, Director
Parties of Record

**BEFORE THE
ALABAMA PUBLIC SERVICE COMMISSION**

In re: Implementation of the Federal)	
Communications Commission's)	Docket No. 29054
Triennial Review Order)	

**COMMENTS OF BELL SOUTH REGARDING
SUSPENSION OF PROCEEDINGS**

BellSouth Telecommunications, Inc. ("BellSouth"), in response to the order of the Alabama Public Service Commission ("Commission") issued in the referenced docket on March 10, 2004, herewith submits its comments regarding the issue of whether this docket should be suspended or held in abeyance pending further developments resulting from the March 2, 2004 order of the United States Court of Appeals for the District of Columbia Circuit ("D.C. Circuit Court") in the appeal of the FCC's Triennial Review Order.

Although BellSouth is prepared to move forward with the hearing in the referenced docket, it seems doubtful that doing so would be the best use of the Commission's time, or of the time and resources of the parties to this docket. The decision of the D.C. Circuit Court places the fundamental underpinnings of the FCC's Triennial Review Order in question. It does so in such a decisive manner, particularly with regard to the sub-delegation of the FCC's authority to the state commissions, that there is no reasonable assurance that the Commission's decision in these proceedings would or could be productive. Further, because of the language of the D.C. Circuit Court's decision regarding the FCC's approach to the substantive issues raised in this docket, it is not certain that these proceedings actually address the issues that will have to be resolved,

be resolved, even if the issue regarding sub-delegation could be resolved in a manner that allows the state commissions to move forward.

In light of these uncertainties, it would make the most sense to simply suspend the current proceedings where they are now and hold this proceeding in abeyance until further direction is received from a court of proper jurisdiction, or from the FCC as a result of the D.C. Circuit Court's order. BellSouth recommends that the Commission have the parties provide periodic informal updates, so that if it is ultimately determined that the state proceedings can go forward, that this can be done promptly.

BellSouth notes that, as of this date, the Florida, Georgia, Mississippi, Louisiana, North Carolina, and Kentucky commissions have, to one degree or another, stayed or suspended all or part of their proceedings. Comments have been filed by the parties in South Carolina and Tennessee, but neither of those commissions has issued an order.

Respectfully submitted this 19th day of March, 2004.



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ATTORNEYS FOR BELL SOUTH
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Comments of BellSouth Telecommunications, Inc. on all parties of record by electronic mail and/or placing a copy of same in the United States Mail, postage prepaid, on this the 19th day of March, 2004.

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